

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at GREENEVILLE

SHERRY L. SMITH,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

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Case No. 2:11-cv-53

Judge Mattice
Magistrate Judge Carter

ORDER

On January 12, 2012, United States Magistrate Judge William Carter filed his Report and Recommendation (Doc. 12) pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b). Magistrate Judge Carter recommended that: (1) Plaintiff's Motion for Summary Judgment (Doc. 8) be denied; (2) Defendant's Motion for Summary Judgment (Doc. 10) be granted; (3) the decision of the Commissioner be affirmed; and (4) this action be dismissed.

Plaintiff filed no objections to the Magistrate Judge's Report and Recommendation.¹ Nevertheless, the Court has reviewed the Report and Recommendation as well as the record, and it agrees with Magistrate Judge Carter's conclusions.

¹ Magistrate Judge Carter specifically advised Plaintiff that she had 14 days in which to object to the Report and Recommendation and that failure to do so would waive her right to appeal. (Doc. 12 at 15 n.3); see Fed. R. Civ. P. 72(b)(2); see also *Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (noting that "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings"). Taking into account the provisions of Fed. R. Civ. P. 6(a) and (d), the time for Plaintiff to file objections expired on January 30, 2012.

Accordingly:

- The Court **ACCEPTS** and **ADOPTS** Magistrate Judge Carter's findings of fact, conclusions of law, and recommendations pursuant to § 636(b)(1) and Rule 72(b);
- Plaintiff's Motion for Summary Judgment (Doc. 8) is **DENIED**;
- Defendant's Motion for Summary Judgment (Doc. 10) is **GRANTED**;
- The decision of the Commissioner is **AFFIRMED**; and
- This case is hereby **DISMISSED WITH PREJUDICE**.

SO ORDERED this 8th day of February, 2012.

/s/Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE